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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,307	01/20/2004	Mi Ae Choi	3449-0301P	7177
2292 7590 02/12/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HANCE, ROBERT J				
ART UNIT 4134		PAPER NUMBER		
NOTIFICATION DATE 02/12/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/759,307

Applicant(s)

CHOI, MI AE

Examiner

ROBERT HANCE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 1-3B, labeled as "Related Art", should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher, Jr. et al., US Patent No. 5,008,820, in view Tsutsui et al., US Patent No. 6,668,158.

As to claim 1, Christopher, Jr. et al. disclose a file searching method comprising the steps of: confirming whether or not a history is updated in response to a search

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request for a file object (col. 2 lines 25-35 – a history file is checked to see if information relevant to the file(s) being searched is present); and searching the search-requested file object from at a new root directory object, in case that the history is updated (col. 4 lines 25-35).

Christopher, Jr. et al. do not a data broadcasting system, nor do they teach a control message of a Download Server Initiate (DSI). However, Tsutsui et al. disclose client based handling of data that is broadcast and a DSI with root directory information in a broadcast stream (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the searching method and history updating of Christopher Jr. et al. with the data broadcast system and DSI of Tsutsui et al. The rationale for this combination would have been to more rapidly search files in a broadcast environment. This would have been obvious because the substitution of the search method of Christopher, Jr. et al. with the broadcast system of Tsutsui et al. would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 2, Christopher, Jr. et al. disclose the file searching method according to claim 1, wherein it is confirmed whether or not a history is updated (col. 2 lines 25-35).

Christopher, Jr. et al. do not disclose checking a Download Server Initiate (DSI). However, Tsutsui et al. discloses a DSI in a data broadcast stream (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Christopher, Jr. et al. with those of Tsutsui et al. It would have been obvious to make this combination because the substitution of the DSI as disclosed by Tsutsui et al. for the history file of Christopher, Jr. et al. would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 3, Christopher, Jr. et al. disclose the file searching method according to claim 1, wherein an absolute path is not written in the history and the search is performed from the basic root directory (col. 1 lines 45 - 2 lines 35 - if no information relative to the file is present, the search is performed from the root directory).

Christopher, Jr. et al. do not disclose a basic root directory object designated in the non-updated control message of the Download Server Initiate (DSI). However, Tsutsui et al. disclose designating the basic root directory in the non-updated DSI (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Christopher, Jr. et al. with those of Tsutsui et al. It would have been obvious to make this combination because the substitution of the DSI with root information, as disclosed by Tsutsui et al., for the history file of Christopher, Jr. et al. would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 4, Christopher, Jr. et al. disclose the file searching method according to claim 3, wherein the basic root directory object is a directory object located most initially in a hierarchical architecture for searching a file object (col. 1 lines 45-55, col. 2 lines 25-35 - if no information relative to the file is present, the search is performed from the root directory).

As to claim 5, Christopher, Jr. et al. disclose the file searching method according to claim 1, wherein the absolute path is written and the new root directory object is designated in the updated history (col. 3 lines 59-61; col. 5 lines 17-19).

Christopher, Jr. et al. do not disclose a new root directory object being designated in the control message of the Download Server Initiate (DSI). However, Tsutsui et al. disclose designating root directory information in the DSI (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the updated history file of Christopher, Jr. et al. with the DSI of Tsutsui et al. The rationale for this combination would have been to use the file searching scheme of Christopher, Jr. et al. in a data broadcast environment, having the DSI take the place of the history file. It would have been obvious to make this combination because the substitution of the DSI with root information, as disclosed by Tsutsui et al., for the history file of Christopher, Jr. et al. would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 6, Christopher, Jr. et al. disclose the file searching method according to claim 5, wherein the new root directory object is a directory object of a next hierarchical architecture of the written absolute path (col. 5 lines 17-19).

As to claim 7, Christopher, Jr. et al. disclose the file searching method according to claim 5, wherein the written absolute path is comprised of at least two paths of the directory objects (col. 3 lines 59-61 - each time a file is found an entry is added to the history file, implying multiple paths exist).

As to claim 8, Christopher, Jr. et al. disclose the file searching method according to claim 1, wherein the history file is updated in case that a certain file object is searched at least one time (col. 3 lines 59-61; col. 5 lines 17-19 - entries are added when files are found and opened).

Christopher, Jr. et al. do not disclose a control message of the Download Server Initiate (DSI). However, Tsutsui et al. disclose a control message of a DSI with directory information (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the updated history file of Christopher, Jr. et al. for the DSI of Tsutsui et al. The rationale for this combination would have been to use the file searching scheme of Christopher, Jr. et al. in a data broadcast environment, having the DSI take the place of the history file. It would have been obvious to make this combination because the substitution of the history file of Christopher, Jr. et al. for the

DSI with directory information, as disclosed by Tsutsui et al., would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 9, Christopher, Jr. et al. disclose the file searching method according to claim 8, wherein the absolute path and the new root directory object are obtained from the step of searching the certain file object at least one time (col. 3 lines 59-61; col. 5 lines 17-19 – entries are added when files are found).

As to claim 10, Christopher, Jr. et al. disclose a file searching method, the method comprising the steps of: confirming whether or not an absolute path exists in a history file, in response to a search request for a file object (col. 2 lines 25-35; col. 3 lines 59-61 – if the information required is present it is used directly without the need for further tree searching); and searching the search-requested file object from at a new directory object designated correspondingly to the absolute path, in case that the absolute path exists (col. 4 lines 25-35).

Christopher, Jr. et al. do not disclose searching files in a data broadcasting system, nor do they teach a Download Server Initiate (DSI). However, Tsutsui et al. disclose client based handling of data that is broadcast and a DSI in a broadcast stream (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the searching method and history updating of Christopher Jr. et al. with the data broadcast system and DSI of Tsutsui et al. The rationale for this

combination would have been to more rapidly search files in a broadcast environment. This would have been obvious because the substitution of the search method of Christopher, Jr. et al. with the broadcast system of Tsutsui et al. would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 11, Christopher, Jr. et al. disclose the file searching method according to claim 10, wherein the new root directory object is a directory object of a next hierarchical architecture of the existing absolute path (col. 5 lines 17-19).

As to claim 12, Christopher, Jr. et al. disclose the file searching method according to claim 10, wherein the existing absolute path is comprised of at least two paths of the directory objects (col. 3 lines 59-61 - each time a file is found an entry is added to the history file, implying multiple paths exist).

As to claim 13, Christopher, Jr. et al. disclose the file searching method according to claim 10, wherein the existing absolute path is created in case that a certain file object is searched at least one time, to be written in the history file (col. 3 lines 59-61; col. 5 lines 17-19 - entries are added when files are found and opened).

Christopher, Jr. et al. do not disclose a control message of the Download Server Initiate (DSI). However, Tsutsui et al. disclose a control message of a DSI with directory information (col. 10 lines 35-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the updated history file of Christopher, Jr. et al. for the DSI of Tsutsui et al. The rationale for this combination would have been to use the file searching scheme of Christopher, Jr. et al. in a data broadcast environment, having the DSI take the place of the history file. It would have been obvious to make this combination because the substitution of the history file of Christopher, Jr. et al. for the DSI with directory information, as disclosed by Tsutsui et al., would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00am - 5:00am EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./

Examiner, Art Unit 4134

/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 4134